

FILED 08 OCT 31 08 43 USDC ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KARL D. CHROMY,

Civ. No. 08-514-CL

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security

ORDER

Defendant.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). No objections have been filed. This court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. I find no error. Accordingly, I ADOPT the Report and Recommendation of Magistrate

Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#20) is adopted. The Commissioner's motion to dismiss (#13) is granted and this action is dismissed without prejudice.

IT IS SO ORDERED.

DATED this 30 day of October, 2008.



OWEN M. PANNER
U.S. DISTRICT JUDGE